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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION OR :	
REVOCATION OF THE LICENSE OF :	Administrative Action
:	
STEPHEN T. DEEHAN, D.M.D. :	
License No. 22DI01899400 :	CONSENT ORDER
:	
TO PRACTICE DENTISTRY IN THE :	
STATE OF NEW JERSEY :	
:	

The New Jersey State Board of Dentistry ("Board") reviewed information regarding the dental practice of Stephen T. Deehan, D.M.D. ("Respondent"), and in particular the records of ten (10) patients. On October 16, 2013, Respondent appeared with counsel, David Epstein Esq., at an investigative inquiry into this matter held by the Board.

Based on its review, the Board found that Respondent failed to obtain adequate diagnostics prior to commencing treatment, failed to develop an appropriate treatment plan and failed to identify and treat obvious signs of decay at the appropriate

time. Additionally, Respondent's recordkeeping did not comply with Board regulations.

Having reviewed the entire record, including the testimony of Respondent at the investigative inquiry, it appears to the Board that:

These facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d), N.J.S.A. 45:1-21(e) and N.J.S.A. 45:1-21(h). It appearing that Respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 5th DAY OF March, 2014

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice dentistry shall be suspended effective on the date of the filing of this Order, for a period of eighteen (18) months, twenty (20) days of which shall be served as a period of active suspension, beginning on Thursday, March 20, 2014, and the remainder of which shall be stayed and served as a period of probation.

2. Respondent is assessed an aggregate civil penalty, pursuant to N.J.S.A. 45:1-25, in the amount of \$2,500. Respondent shall pay a total of \$2,500 in penalties in six (6) equal monthly installments of \$416.66 each. The first payment shall be due on or before March 1, 2014, with each subsequent

payment due on the first day of each of the following five months. All monthly payments shall be made by money order or other certified funds payable to: **The State of New Jersey**, and sent to the attention of **Jonathan Eisenmenger, Executive Director**, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

3. A Certificate of Debt reflecting the \$2,500 currently due and owing shall be filed with the New Jersey Superior Court.

4. In the event Respondent defaults on the payment terms of this Order, he specifically acknowledges that: 1. Following notice by certified and regular mail to Respondent's address on file with the Board, he shall have five (5) business days to cure the deficiency by immediately making all overdue payments to the Board; 2. Failure to cure the default within the specified time shall result in the default of Respondent's obligations under this Order without further notice or opportunity to be heard; 3. Upon default of any and all amounts then due and owing under this Order, including any future installments, payment shall immediately be due in full; 4. The Board may issue a summary order of suspension of Respondent's license to practice dentistry in the State of New Jersey. The summary suspension order may issue following a certification from the Board's Executive Director of Respondent's default and

failure to cure, without further notice to Respondent or opportunity to be heard; and 5. Following the issuance of a summary suspension order pursuant to the proceeding, any application by Respondent to lift the suspension shall not be considered by the Board unless and until all payments due under this Order have been paid in full.

5. Respondent shall reimburse the Board's costs totaling \$3,699.75 pursuant to N.J.S.A. 45:1-25(d) in six (6) equal monthly installments of \$616.63 each. The payment of said costs shall be in a manner consistent with the payment of the penalty amount described above.

6. Respondent shall agree to a random audit, consisting of at least fifteen (15) dental records from October 16, 2013 to the present. Respondent shall be responsible for the costs associated with collecting and reviewing the records resulting from the audit.

7. Respondent shall successfully complete the following continuing education: Board-approved, thirty-five (35) hour minimum custom tutorial, covering periodontics, endodontic and restorative dentistry, with a focus on diagnosis and treatment planning. This tutorial shall be completed within six (6) months of the entry of this Consent Order. Further, this tutorial, which is in addition to the regularly required continuing

education hours, shall be approved by the Board in writing prior to attendance.

8. Respondent shall fully attend, successfully complete, and pass an ethics course within six (6) months of the entry of this Consent Order. Respondent shall complete the ProBE (Professional/Problem Based Ethics) course offered by CPEP, the Center for Personalized Education for Physicians, 7351 Lowry Boulevard, Suite 100, Denver Colorado 80230 (303) 577-3232, ext. 207, www.cpepdoc.org (course is offered in New Jersey); or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, or other ethics course of similar content that is pre-approved by the Board. Documentation of full attendance and successful completion of the course shall be provided to the Board prior to reinstatement, or within twenty-one days of completion of the course.

9. "Successful completion" means that Respondent attended all sessions of the aforementioned courses, fully participated in the courses, and received a final evaluation of an unconditional pass for each course. Respondent shall complete the attached continuing education course approval form and shall

provide proof of successful completion of the required coursework. The attached form is made a part of this Consent Order. A separate form shall be used for each course. Respondent shall be entirely responsible for any and all costs or expenses relating to each course.

10. Respondent shall comply with the "Directives Applicable to any Dental Board Licensee who is Suspended, Revoked or Whose Surrender of Licensure has been Accepted," attached hereto and made a part hereof.

11. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

By:

Shirley Berenz RDH
Shirley Berenz, RDH
Acting President

I have read and understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.

Stephen T. Deehan DMD
Stephen T. Deehan, D.M.D.

2-27-14
Date

I consent to the form and entry of this Order.

David Epstein, Esq.

2/28/14
Date

New Jersey State Board of Dentistry
Application for Course Approval
(Please Type or Print Legibly)



124 Halsey Street . 6th Floor . Newark, NJ . 07101
phone: 973.504.6405
fax: 973.273.8075

The Board cannot assure approval for courses provided. Applications must be submitted at least 30 days prior to the course date.

A separate form is to be used for each course. A copy will be returned to you after approval or denial by the Board.

Dentist name: _____

Address: _____

Telephone #: _____

The following course is designed to fulfill a part _____ / or all _____ of _____ hours required for:

a. incomplete general CE requirements _____ b. remediation CE in _____

Number of credit hours requested for this particular course: _____

Course Title: _____

Sponsor: _____

Sponsor Phone Number: _____

Date(s) you will be attending course: _____

Time course begins and ends: _____

Please attach a course brochure. (Required)

For Board use only

Date: _____ Reviewed by CE Committee _____

Approved _____ for _____ hours in _____

Denied _____ Reason for Denial: _____

**DIRECTIVES APPLICABLE TO ANY DENTISTRY BOARD LICENSEE
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license has been accepted by the Board, shall conduct him/herself as follows:

1. Document Return and Agency Notification

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate, and if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances Registration. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of dentistry in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee of this Board provides health care services. Unless otherwise ordered by the Board, the disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from all prescription blanks and pads, professional listings, telephone directories, professional stationery, or billings. If the licensee's name

is utilized in a group practice title, it shall be deleted.

Prescription pads bearing the licensee's name shall be destroyed. A destruction report form shall be obtained from the Office of Drug Control (973-504-6558) and filed with that office. If no other licensee is providing services at the practice location, all medications must be removed and returned to the manufacturer (if possible), or destroyed or safeguarded. In situations where the licensee has been suspended for a period of less than one year, prescription pads and medications must be secured in a locked place for safekeeping.

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice, and shall be required to comply with the requirements to divest him/herself of all financial interest in the professional practice pursuant to Board regulations contained in N.J.A.C. 13:30-8.21. Such divestiture shall occur within 90 days following the entry of the Board Order. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the New Jersey Department of Treasury, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Patient Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to patient records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her patient record or asks that the record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

6. Reports of Reimbursement

A disciplined practitioner shall promptly report to the Board his/her compliance with each directive requiring monies to be reimbursed to patients to other parties or third party payors or to any Court.

7. Report of Changes of Address

A disciplined practitioner shall notify the Board office in writing within ten (10) days of change of address.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Dentistry are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a dentist:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the American Association of Dental Examiners, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board. In addition, the same description may appear on the Internet Website of the Division of Consumer Affairs.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.